

APA1

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control _____ Department or Agency: Board of Home Medical Equipment Services Providers
Rule Number and Title: 473-X-3-.02 In- State Location Requirements

X New _____ Amend _____ Repeal _____ Adopt by Reference

Would the absence of the proposed rule significantly
Harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's
Police power and the protection of the public health,
Safety, or welfare? Yes

Is there another, less restrictive method of regulation
Available that could adequately protect the public? No

Does the proposed rule have the effect of directly or
Indirectly increasing the costs of any goods or services
Involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public
Than the harm that might result from the absence of
The proposed rule? No

Are all facets of the rulemaking process designed solely
For the purpose of, and so they have, as their primary
Effect, the protection of the public? Yes

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied
by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of
Alabama, 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the
requirements of Chapter 22, Title 41, Code of Alabama, 1975, and that it conforms to all
applicable filing requirements of the Administrative Procedure Division of the Legislative
Reference Service.

Signature of certifying officer Brandy L. Isenhour
Brandy L. Isenhour, Operations Manager 215-3474

Date: September 17, 2014

REC'D & FILED (DATE FILED)
(STAMP)

SEP 17 2014

LEGISLATIVE REFERENCE SERVICE

APA2

Alabama Board of Home Medical Equipment Services Providers

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Home Medical Equipment Services Providers

RULE NO. & TITLE:

473-X-3-.02, In-State Location Requirements

INTENDED ACTION:

To add new Rules and Regulations.

SUBSTANCE OF PROPOSED ACTION:

The Alabama Board of Home Medical Equipment Services Providers proposes to adopt an Administrative Code or Rules and Regulations under which to operate.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

Written comments, views, or arguments will be received by the Alabama Board of Home Medical Equipment Services Providers until 4:30 p.m. on November 6, 2014. Comments should be directed to Paula McCaleb, Executive Director, at P.O. Box 240636, Montgomery, AL 36124-0636, or via fax at 334-215-3457.

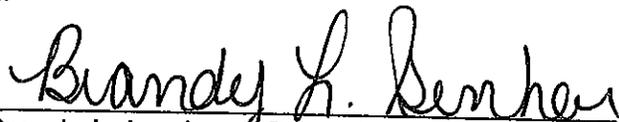
FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

November 6, 2014

CONTACT PERSON AT AGENCY:

Brandy L. Isenhour

334/215-3474



Brandy L. Isenhour, Operations Manager
(Signature of officer authorized to promulgate and adopt rules or his or her deputy)

473-X-3-.02 In-State Location Requirements.

- (1) On March 11, 2014, Governor Bentley signed Alabama Act 2014-172 (the "Act") into law, which amended ALA. CODE § 34-14C-4(a) (1975 as amended) to require each provider of home medical equipment services with a principal place of business outside the state of Alabama, not otherwise exempted from licensure pursuant to ALA. CODE § 34-14C-5, to maintain at least one physical location within the state, each of which must be licensed by the Board of Home Medical Equipment. By its terms, the Act became effective on June 1, 2014. Previous to the passage of the Act, out of state home medical equipment services providers were not required to maintain a physical location within the state, but were only required to provide a physical location meeting the requirements of Rule 473-X-4-.01, and be subject to inspection by the Board.

- (2) A provider of home medical equipment that has a principal place of business outside this state and has established a licensed, instate location may provide home medical equipment and services to its Alabama customers through any corporate branch or location, including an out of state location that is not otherwise eligible for an exemption from licensure pursuant to ALA. CODE § 34-14C-5, as permitted under the CMS DMEPOS Supplier Standards and applicable regulations. For purposes of this rule, a corporate branch or location does not include a corporate subsidiary or affiliate that would itself require a license from this Board; the branch or location should be a provider of home medical equipment services that is duly licensed in accordance with applicable law in the state in which it is located. The ownership of the provider's licensed instate location, as defined in Rule 473-X-3-.01(7)(h), will be responsible to the Board for any equipment or services provided to the customer by any other corporate branch or location.

Author: Alabama Board of Home Medical Equipment
Statutory Authority: § 34-14C-4, Code of Alabama (1975)

APA1

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control _____ Department or Agency: Board of Home Medical Equipment Services Providers
Rule Number and Title: Appendix I, Fees

_____ New X Amend _____ Repeal _____ Adopt by Reference

Would the absence of the proposed rule significantly Harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's Police power and the protection of the public health, Safety, or welfare? Yes

Is there another, less restrictive method of regulation Available that could adequately protect the public? No

Does the proposed rule have the effect of directly or Indirectly increasing the costs of any goods or services Involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public Than the harm that might result from the absence of The proposed rule? No

Are all facets of the rulemaking process designed solely For the purpose of, and so they have, as their primary Effect, the protection of the public? Yes

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama, 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama, 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer Brandy L. Isenhour
Brandy L. Isenhour, Operations Manager 215-3474

Date: September 17, 2014

REC'D & FILED (DATE FILED)
(STAMP)

SEP 17 2014

LEGISLATIVE SERVICE

APA2

Alabama Board of Home Medical Equipment Services Providers

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Home Medical Equipment Services Providers

RULE NO. & TITLE:

Appendix I, Fees

INTENDED ACTION:

To amend Rules and Regulations.

SUBSTANCE OF PROPOSED ACTION:

The Alabama Board of Home Medical Equipment Services Providers proposes to adopt an Administrative Code or Rules and Regulations under which to operate.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

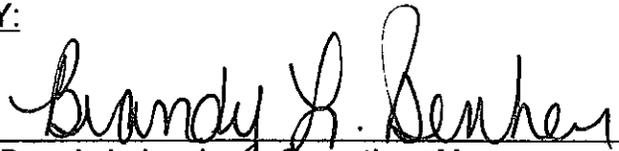
Written comments, views, or arguments will be received by the Alabama Board of Home Medical Equipment Services Providers until 4:30 p.m. on November 6, 2014. Comments should be directed to Paula McCaleb, Executive Director, at P.O. Box 240636, Montgomery, AL 36124-0636, or via fax at 334-215-3457.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

November 6, 2014

CONTACT PERSON AT AGENCY:

Brandy L. Isenhour
334/215-3474



Brandy L. Isenhour, Operations Manager
(Signature of officer authorized to promulgate and adopt rules or his or her deputy)

Appendix I. Fees

\$250 License/Renewal Fee (per location)

\$500 Initial Inspection Fee (per location)

\$250 Re-Inspection Fee

\$275 Site Inspection Fee upon Change of Physical Location

\$150 Late Renewal Fee

\$1,000 Processing Fee per Out of State Corporate Branch or Location Providing Services on Behalf of the Licensed Location

HISTORY:

**Author: Alabama Board of Home Medical Equipment
Statutory Authority: § 34-14C-4, Code of Alabama (1975)**

APA1

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control _____ Department or Agency: Board of Home Medical Equipment Services Providers
Rule Number and Title: 473-X-3-.01 Administrative Procedure

_____ New X Amend _____ Repeal _____ Adopt by Reference

Would the absence of the proposed rule significantly Harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's Police power and the protection of the public health, Safety, or welfare? Yes

Is there another, less restrictive method of regulation Available that could adequately protect the public? No

Does the proposed rule have the effect of directly or Indirectly increasing the costs of any goods or services Involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public Than the harm that might result from the absence of The proposed rule? No

Are all facets of the rulemaking process designed solely For the purpose of, and so they have, as their primary Effect, the protection of the public? Yes

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama, 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama, 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer Brandy L. Isenhour
Brandy L. Isenhour, Operations Manager 215-3474

Date: September 17, 2014

REG'D & FILED (DATE FILED)
(STAMP)

SEP 17 2014

LEGISLATIVE SERVICE

APA2

Alabama Board of Home Medical Equipment Services Providers

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Home Medical Equipment Services Providers

RULE NO. & TITLE:

473-X-3-.01 Administrative Procedure

INTENDED ACTION:

To amend Rules and Regulations.

SUBSTANCE OF PROPOSED ACTION:

The Alabama Board of Home Medical Equipment Services Providers proposes to adopt an Administrative Code or Rules and Regulations under which to operate.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

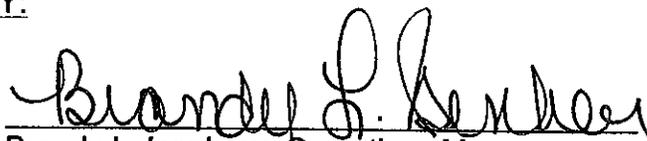
Written comments, views, or arguments will be received by the Alabama Board of Home Medical Equipment Services Providers until 4:30 p.m. on November 6, 2014. Comments should be directed to Paula McCaleb, Executive Director, at P.O. Box 240636, Montgomery, AL 36124-0636, or via fax at 334-215-3457.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

November 6, 2014

CONTACT PERSON AT AGENCY:

Brandy L. Isenhour
334/215-3474



Brandy L. Isenhour, Operations Manager
(Signature of officer authorized to promulgate and adopt rules or his or her deputy)

business under a new tax identification number (TIN). A change in the TIN requires the new owner to obtain a new Medicare supplier number and submit a new application for licensure to the Board. The new owner must successfully complete the reapplication process before a new license can be issued.

2. The purchase of all the assets and liabilities of a business (a stock purchase) permits the buyer to retain and operate the business under the existing TIN. The new owner must submit a letter notifying the Board of the change in ownership or control within thirty (30) days of such change.

(d) If more than one change occurs simultaneously in the information reflected on the licensee's application, including but not limited to, the physical address, equipment provided, FEIN or SSN, or if disciplinary actions against the licensee have ensued before this Board or in any other licensing state or jurisdiction, the licensee must complete and submit a new application for licensure reflecting all such changes within thirty (30) days of such change and successfully complete the reapplication process before a new license can be issued.

(9) All licenses expire on August 31st of each year. If not renewed within sixty (60) days of the expiration date, the license is considered lapsed, and a new application and inspection will be required. The Board may notify third party payors, related regulatory boards and agencies, and governmental agencies responsible for reimbursement to home medical equipment services providers, such as Medicaid and Medicare, of lapsed licenses no earlier than November 1st of each licensing year.

(10) Certain entities are exempt from licensure pursuant to Section 34-14C-5, Code of Ala. 1975.

HISTORY:

Author: Alabama Board of Home Medical Equipment
Statutory Authority: § 34-14C-4, Code of Alabama (1975)

APA1

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control _____ Department or Agency: Board of Home Medical Equipment Services Providers
Rule Number and Title: 473-X-8-.01 Renew of License

_____ New X Amend _____ Repeal _____ Adopt by Reference

Would the absence of the proposed rule significantly
Harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's
Police power and the protection of the public health,
Safety, or welfare? Yes

Is there another, less restrictive method of regulation
Available that could adequately protect the public? No

Does the proposed rule have the effect of directly or
Indirectly increasing the costs of any goods or services
Involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public
Than the harm that might result from the absence of
The proposed rule? No

Are all facets of the rulemaking process designed solely
For the purpose of, and so they have, as their primary
Effect, the protection of the public? Yes

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied
by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of
Alabama, 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the
requirements of Chapter 22, Title 41, Code of Alabama, 1975, and that it conforms to all
applicable filing requirements of the Administrative Procedure Division of the Legislative
Reference Service.

Signature of certifying officer Brandy L. Isenhour
Brandy L. Isenhour, Operations Manager 215-3474

Date: September 17, 2014

REC'D & FILED (DATE FILED)
(STAMP)
SEP 17 2014
LEGISLATIVE REFERENCE SERVICE

APA2

Alabama Board of Home Medical Equipment Services Providers

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Home Medical Equipment Services Providers

RULE NO. & TITLE:

473-X-8-.01 Renewal of License

INTENDED ACTION:

To amend Rules and Regulations.

SUBSTANCE OF PROPOSED ACTION:

The Alabama Board of Home Medical Equipment Services Providers proposes to adopt an Administrative Code or Rules and Regulations under which to operate.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

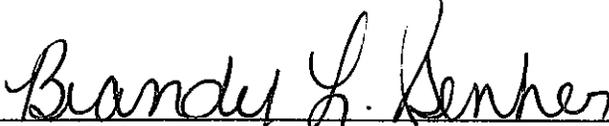
Written comments, views, or arguments will be received by the Alabama Board of Home Medical Equipment Services Providers until 4:30 p.m. on November 6, 2014. Comments should be directed to Paula McCaleb, Executive Director, at P.O. Box 240636, Montgomery, AL 36124-0636, or via fax at 334-215-3457.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

November 6, 2014

CONTACT PERSON AT AGENCY:

Brandy L. Isenhour
334/215-3474


Brandy L. Isenhour, Operations Manager
(Signature of officer authorized to promulgate and adopt rules or his or her deputy)

licenses no earlier than November 1st of each licensing year.

HISTORY:

New Rule: Filed May 6, 2008; effective June 10, 2008. **Amended:** Filed January 13, 2014; effective February 17, 2014. **Amended:** Filed _____, 2014; effective _____, 2014.